

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS RUSSELL BOARDMAN,

Petitioner,

v.

JEFFREY A. UTTECHT, *et al.*,

Respondents.

CASE NO. C21-5428-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Petitioner's motion for reconsideration (Dkt. No. 23). Plaintiff objects to the Court's adoption of a Report and Recommendation ("R&R") (Dkt. No. 15) dismissing his petition with prejudice and denying a certificate of appealability. (Dkt. No. 15 at 7.)

Motions for reconsideration are disfavored. LCR 7(h)(1). The Court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. *Id.*

Petitioner filed untimely objections to the R&R (Dkt. No. 18), which the Court nevertheless reviewed *de novo*, finding the Honorable J. Richard Creatura, Chief United States

1 Magistrate Judge, properly concluded that Petitioner's petition is time-barred. (Dkt. No. 15 at 3–
2 4; *see also* 28 U.S.C. § 2244(d).) Plaintiff argues his petition he is entitled to equitable tolling
3 due to complications related to the COVID-19 pandemic. (*See* Dkt. No. 23.) But Judge Creatura
4 noted in his R&R that Petitioner had not proffered such an argument. (Dkt. No. 15 at 5.) As such,
5 Petitioner's motion does not provide new facts or legal authority which could not have been
6 brought to the Court's attention earlier with reasonable diligence, nor does he allege manifest
7 error. (*See* Dkt. No. 23; *see also* LCR 7(h)(1).) The motion is thus without merit.

8 The Court hereby DENIES Petitioner's motion for reconsideration (Dkt. No. 23). As the
9 Court upholds its denial of a certificate of appealability, Petitioner's motion to extend the time to
10 file a motion of intent (Dkt. No. 22) is also DENIED.

11 DATED this 14th day of February 2022.

12 Ravi Subramanian
13 Clerk of Court
14 s/Sandra Rawski
15 Deputy Clerk
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